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July 31, 2007

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BY ELECTRONIC FILING

The Honorable Gregory M. Sleet  
United States District Court  
844 King Street  
Wilmington, DE 19801

Re: Cisco v. Telcordia, C.A. No. 07-113 (GMS)

Dear Chief Judge Sleet:

On behalf of both parties, attached is a Scheduling Order that reflects the dates and other changes discussed during the July 24, 2007 Scheduling Conference in this case.

Respectfully,

/s/ Leslie A. Polizoti (#4299)

Leslie A. Polizoti

cc: Peter T. Dalleo, Clerk (By Hand)  
All counsel of record (By Electronic Filing)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CISCO SYSTEMS, INC., and	)	
CISCO TECHNOLOGY, INC.,	)	
	)	C.A. No. 07-113 (GMS)
Plaintiffs,	)	
v.	)	
	)	DEMAND FOR JURY TRIAL
TELCORDIA TECHNOLOGIES, INC.,	)	
	)	
Defendant.	)	

**SCHEDULING ORDER**

This \_\_\_\_ day of \_\_\_\_\_, 2007, the Court having conducted a Rule 16 Scheduling Conference pursuant to Local Rule 16.2(b) on July 24, 2007, and the parties having determined after discussion that the matter cannot be resolved at this juncture by settlement, voluntary mediation or binding arbitration;

IT IS ORDERED that:

1. **Rule 26(a) Initial Disclosures.** Unless otherwise agreed to by the parties, they shall make their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a) on or before August 14, 2007.
2. **Reliance Upon Advice of Counsel.** The defendant shall advise the plaintiffs whether it intends to rely upon advice of counsel as a defense to willful infringement no later than February 1, 2008. If defendant elects to rely on advice of counsel as a defense to willful infringement, it shall produce any advice on which it intends to rely no later than February 1, 2008.
3. **Markman Claim Construction Hearing.** A *Markman* claim construction hearing shall be held on June 16, 2008 at 9:30 a.m. The *Markman* hearing is scheduled for one-half day with the time being divided equally between the parties. The parties shall exchange proposed

definitions for disputed claim terms by March 18, 2008. The parties shall meet and confer by March 31, 2008 regarding narrowing and reducing the number of claim construction issues. On or before April 14, 2008, the parties shall submit a Final Joint Claim Chart which shall include citations to intrinsic evidence. The plaintiffs shall submit to the court a Joint Appendix of Intrinsic and Extrinsic Evidence (the "Joint Appendix") containing all intrinsic and extrinsic evidence relied upon in the claim construction briefing. A sample table of contents of the Joint Appendix can be located on this court's website at [www.ded.uscourts.gov](http://www.ded.uscourts.gov). The Joint Appendix shall be filed on the same day as the answering claim construction briefs. The parties shall file opening claim construction briefs on April 28, 2008, and answering claim construction briefs on May 12, 2008.

4. **Discovery.** All fact discovery in this case shall be initiated so that it will be completed on or before March 31, 2008. Opening expert reports on issues on which a party bears the burden of proof shall be served on or before August 1, 2008. Rebuttal expert reports shall be served on or before September 5, 2008. Expert Discovery in this case shall be initiated so that it will be completed on or before October 6, 2008.

a. **Discovery and Scheduling Matters:** Should counsel find they are unable to resolve a discovery or scheduling matter, the party seeking the relief shall contact chambers at (302) 573-6470 to schedule a telephone conference. Not less than forty-eight hours prior to the teleconference, the parties shall file with the court, via electronic means (CM/ECF), a **joint, non-argumentative** letter agenda not to exceed two (2) pages outlining the issue(s) in dispute. A sample letter can be located on this court's website at [www.ded.uscourts.gov](http://www.ded.uscourts.gov). After the parties have had three (3) discovery teleconferences, they will be required to file a joint letter showing good cause why the court should permit a fourth discovery teleconference. Should the court find further briefing

necessary upon conclusion of the telephone conference, unless otherwise directed, the party seeking relief shall file with the court a **TWO PAGE LETTER**, exclusive of exhibits, describing the issues in contention. The responding party shall file within five (5) days from the date of service of the opening letter an answering letter of no more than **TWO PAGES**. The party seeking relief may then file a reply letter of no more than **TWO PAGES** within three (3) days from the date of service of the answering letter.

5. **Confidential Information and Papers filed under Seal.** Should counsel find it will be necessary to apply to the court for a protective order specifying terms and conditions for the disclosure of confidential information, they should confer and attempt to reach an agreement on a proposed form of order and submit it to the court within ten (10) days from the date of this order. When filing papers under seal, counsel should deliver to the Clerk an original and two copies of the papers.

**If after making a diligent effort the parties are unable to agree on the contents of the joint proposed protective order, then they shall follow the dispute resolution process outlined in paragraph 4(a).**

6. **Summary Judgment Motions.** Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief shall be no longer than five (5) pages and shall be filed with the Court no later than July 10, 2008. Answering letter briefs shall be no longer than five (5) pages and filed with the court no later than July 24, 2008. Reply letter briefs shall be no longer than three (3) pages and filed with the Court on or before July 31, 2008. The Court shall hold a telephone conference to hear argument and to determine whether the filing of any motion for summary judgment will be permitted on September 2, 2008 at 9:30 a.m. **Unless the Court directs otherwise, no letter**

requests to file a motion for summary judgment may be filed at a time before the dates set forth in paragraph 6.

7. **Case Dispositive Motions.** All case dispositive motions and an opening brief and affidavits, if any, in support of the motion shall be served and filed on or before two (2) weeks after the September 2, 2008 telephone conference or the Court's determination as to the filing of summary judgment motions, whichever is later. Answering briefs shall be served and filed fifteen (15) days after the opening briefs, and reply briefs shall be served and filed fifteen (15) days after the answering briefs. Any request for extensions of time as set forth in this Scheduling Order **must** be accompanied by an explanation or the request will be denied.

8. **Applications by Motion.** Except as provided in this Scheduling Order or for matters relating to scheduling, any application to the Court shall be by written motion filed, via electronic means (CM/ECF). Unless otherwise requested by the Court, counsel shall **not** deliver copies of papers or correspondence to Chambers. Any non-dispositive motion should contain the statement required by Local Rule 7.1.1.

9. **Oral Argument.** If the Court believes that oral argument is necessary, the Court will schedule a hearing pursuant to District of Delaware Local Rule 7.1.4.

10. **Pretrial Conference.** On October 16, 2008, beginning at 9:30 a.m., the Court will hold a Pretrial Conference in Chambers with counsel. Unless otherwise ordered by the Court, the parties should assume that filing the Joint Pretrial Order satisfies the pretrial disclosure requirement in Federal Rule of Civil Procedure 26(a)(3). A sample form of Pretrial Order can be located on this court's website at [www.ded.uscourts.gov](http://www.ded.uscourts.gov). Thirty (30) days before the Joint Proposed Pretrial Order is due, plaintiffs' counsel shall forward to defendant's counsel a draft of the pretrial order containing the information plaintiffs propose to include in the draft. Fifteen (15)

days before the Joint Proposed Pretrial Order is due, defendant's counsel shall provide to plaintiffs' counsel any comments on the plaintiffs' draft as well as the information defendant proposes to include in the proposed pretrial order. **Motions in limine:** No party shall file more than five (5) motions *in limine*. Motions *in limine* shall be filed by August 25, 2008. Answering briefs shall be filed by September 8, 2008. Reply briefs shall be filed by September 15, 2008. Opening and answering briefs shall not exceed five (5) pages and reply briefs shall not exceed three (3) pages. The parties shall file with the court the Joint Proposed Final Pretrial Order with the information required by the form of Final Pretrial Order which can be located on this court's website at [www.ded.uscourts.gov](http://www.ded.uscourts.gov) on or before close of business on September 15, 2008.

11. **Trial.** This matter is scheduled for a ten (10) day jury trial beginning at 9:00 a.m. on November 10, 2008.

12. **Scheduling.** The parties shall contact chambers, at (302) 573-6470, only in situations where scheduling relief is sought, and only then when ALL participating counsel is on the line for purposes of selecting a new date.

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CHIEF JUDGE

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